

Message Text

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ACTION L-03

INFO OCT-01 NEA-14 ISO-00 AID-20 OMB-01 EB-11 PM-07 NSC-07

SP-03 SS-20 RSC-01 H-03 CIAE-00 DODE-00 INR-10

NSAE-00 PA-04 USIA-15 PRS-01 SAM-01 SAB-01 DRC-01

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P 190845Z JUN 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC PRIORITY 7291

C O N F I D E N T I A L SECTION 1 OF 2 CAIRO 4375

E.O. 11652: GDS

TAGS: PBOR MARR EG

SUBJECT: SUEZ CANAL CLEARANCE AND SALVAGE AGREEMENTS

REF: STATE 130388

1. ALTHOUGH WE ARE AIRGRAMMING EXCHANGE OF NOTES
ON SUEZ CANAL AND SALVAGE AGREEMENTS TODAY PURSUANT
11 FAM 735, TEXT OF FAHMY'S REVISED APRIL 25 NOTE
ON SUEZ CANAL AGREEMENT AND AMBASSADOR'S REPLY OF
SAME DAY ARE SUBMITTED HERewith TELEGRAPHICALLY
AS REQUESTED REFTEL. SINCE CHANGES FROM FIRST VERSION (CAIRO 2649)
ARE CONSIDERABLE AND TO AVOID CONFUSION, WE THINK
IT BEST SEND ENTIRE TEXT OF FAHMY'S NOTE.

A. FAHMY'S REVISED NOTE OF APRIL 25: QUOTE:
MINISTRY OF FOREIGN AFFAIRS, THE MINISTER, CAIRO,
25 APRIL 1974.

MR. AMBASSADOR,

I HAVE THE HONOUR TO ACKNOWLEDGE RECEIPT OF YOUR
EXCELLENCY'S LETTER DATED 13TH OF APRIL 1974 REGARDING
THE PROPOSED ASSISTANCE BY THE UNITED STATES GOVERN-
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MENT IN THE CLEARANCE OF MINES AND UNEXPLODED ORDNANCE

FROM THE SUEZ CANAL.

THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT, WHILST WELCOMING THE ASSISTANCE PROPOSED BY THE UNITED STATES, NOTES WITH APPRECIATION THAT MEMBERS OF THE FORCE WILL RESPECT THE LAWS, CUSTOMS AND TRADITIONS OF THE ARAB REPUBLIC OF EGYPT, THAT THEY WILL ABSTAIN FROM ACTIVITY INCONSISTENT WITH THE SPIRIT OF THESE ARRANGEMENTS, AND THAT THE GOVERNMENT OF THE UNITED STATES WILL TAKE NECESSARY MEASURES TO THAT END.

THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WISHES, FURTHERMORE, TO SIGNIFY ITS UNDERSTANDING AS TO SOME OF THE POINTS RAISED IN THE AFOREMENTIONED LETTER:

1. DESIROUS TO ENSURE THE SAFETY OF THE AMERICAN FORCE AND ITS MEMBERS WHILE CARRYING OUT THEIR ACTIVITIES IN EGYPT, THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT SHALL SPARE NO EFFORT, AS FAR AS POSSIBLE, IN PROVIDING ASSISTANCE FOR THE SAFETY OF THE FORCE IN CONFORMITY WITH THE REGULATIONS ISSUED BY THE EGYPTIAN AUTHORITIES.

2. THE GOVERNMENTS OF THE ARAB REPUBLIC OF EGYPT AND OF THE UNITED STATES OF AMERICA WAIVE ANY AND ALL CLAIMS AGAINST EACH OTHER FOR DAMAGE TO PROPERTY, OR FOR DEATH OR INJURY TO ANY MEMBER OF EITHER PARTY IN THE COURSE OF HIS ACTIVITIES IN THE CLEARANCE OF THE SUEZ CANAL, OR BY ANY OTHER ACT OR OMISSION (SIC) FOR WHICH EITHER OF THE PARTIES IS LEGALLY RESPONSIBLE. CLAIMS (OTHER THAN CONTRACTUAL CLAIMS AND THOSE WAIVED BY THE ARAB REPUBLIC OF EGYPT) ARISING OUT OF ACTS OR OMISSIONS OF A MEMBER OF THE FORCE OR THE UNITED STATES GOVERNMENT DONE IN THE PERFORMANCE OF HIS OFFICIAL DUTY, OR OUT OF ANY OTHER ACT, OMISSION OR OCCURRENCE (SIC) FOR WHICH THE FORCE OR THE UNITED STATES GOVERNMENT IS LEGALLY RESPONSIBLE, WILL BE DEALT WITH BY THE EGYPTIAN GOVERNMENT AND IN ALL CASES SETTLED AT THE COST OF THE ARAB REPUBLIC OF EGYPT. CLAIMS IN RESPECT OF ACTS OR OMISSIONS OF A MEMBER

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OF THE FORCE OR THE UNITED STATES GOVERNMENT ARISING OTHERWISE THAN OUT OF OR IN THE COURSE OF HIS DUTY IN EGYPT MAY AT THE DISCRETION OF THE UNITED STATES SERVICE AUTHORITIES BE DEALT WITH AND SETTLED BY SUCH AUTHORITIES.

3. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT, WHILE RECOGNIZING THE FREEDOM OF ENTRY AND DEPARTURE

AS REFERRED TO IN SUBPARAGRAPHS "A" AND "B" OF
PARAGRAPH "5" OF THE ABOVE MENTIONED LETTER, WISHES
TO STRESS THE FOLLOWING:

A. PRIOR AUTHORIZATION IS NECESSARY FOR
ENTRY OF AIRCRAFT AND VESSELS ASSIGNED TO OR SUPPORT-
INT THE FORCE TO THE PORTS, AIRFIELDS OF EGYPT AND TO
EGYPTIAN TERRITORIAL WATERS AND FOR THE DEPARTURE OF
SUCH AIRCRAFT FROM EGYPTIAN AIRFIELDS. REASONABLE
NOTIFICATION SHALL BE GIVEN PRIOR TO DEPARTURE OF
VESSELS SUPPORTING THE FORCE FROM PORTS AND EGYPTIAN
TERRITORIAL WATERS.

B. FREEDOM OF ENTRY AND DEPARTURE IS RECOGNIZED
TO THE MEMBERS OF THE FORCE, IN ACCORDANCE WITH
ARRANGEMENTS TO BE AGREED UPON WITH THE EGYPTIAN
COMPETENT AUTHORITIES.

4. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT
AGREES TO GRANT IMMUNITY FROM CRIMINAL JURISDICTION
TO THE MEMBERS OF THE FORCE AS PROVIDED FOR IN YOU
LETTER. HOWEVER THE GOVERNMENT OF THE ARAB REPUBLIC
OF EGYPT RESERVES ITS POSITION TO UNDERTAKE THE
FOLLOWING:

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ACTION L-03

INFO OCT-01 NEA-14 ISO-00 AID-20 OMB-01 EB-11 PM-07 NSC-07

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P 190845Z JUN 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC PRIORITY 7292

C O N F I D E N T I A L SECTION 2 OF 2 CAIRO 4375

A. ON THE EVENT OF VIOLATION OF EGYPTIAN LAWS OR REGULATIONS BY A MEMBER OF THE FORCE, EGYPTIAN AUTHORITIES MAY TAKE HIM INTO CUSTODY WITHOUT SUBJECTING HIM TO ORDINARY ROUTINE OF ARREST. IN SUCH A CASE EGYPTIAN AUTHORITIES SHALL DELIVER THE OFFENDER IMMEDIATELY TO THE NEAREST AUTHORITY REPRESENTING THE FORCE.

B. WHEN A MEMBER OF THE FORCE IS TAKEN INTO CUSTODY, EGYPTIAN AUTHORITIES MAY UNDERTAKE A PRELIMINARY INTERROGATION IN THE PRESENCE OF A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT.

C. WHILE HANDING OVER THE OFFENDER, EGYPTIAN AUTHORITIES SHALL INFORM THE COMMAND OF THE FORCE OF THE CHARGE SUSTAINED AGAINST HIM TOGETHER WITH A COPY OF THE PRELIMINARY INTERROGATION.

D. THE COMMAND OF THE FORCE SHALL CARRY OUT A DETAILED INVESTIGATION WITH THE OFFENDER AND SHALL DELIVER A COPY OF THE INQUEST TO THE EGYPTIAN COMPETENT AUTHORITIES.

E. THE COMMAND OF THE FORCE AND THE EGYPTIAN
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AUTHORITIES SHALL ASSIST EACH OTHER IN CARRYING OUT ALL NECESSARY INVESTIGATION CONCERNING OFFENCES (SIC) COMMITTED BY A MEMBER OF THE FORCE INCLUDING PRODUCING WITNESSES, COLLECTING AND PRESENTING EVIDENCE, SEIZING AND HANDLING OVER ITEMS CONNECTED WITH THE OFFENCE. (SIC)

5. MEMBERS OF THE FORCE SHALL NOT BE SUBJECT TO THE CIVIL JURISDICTION OF EGYPTIAN COURTS IN MATTERS RELATED TO THE CARRYING OUT OF THEIR OFFICIAL ACTIVITIES.

6. MEMBERS OF THE FORCE MAY WEAR THE UNIFORM AND INSIGNIAS OF THE UNITED STATES ARMED FORCES WHEN WITHIN THE OPERATION ZONES. OUTSIDE THESE AREAS, THEY WILL WEAR CIVILIAN CLOTHES.

7. ALL MEMBERS OF THE FORCE SHALL BE FURNISHED WITH APPROPRIATE IDENTIFICATION CARDS ISSUED BY EGYPTIAN COMPETENT AUTHORITIES. SUCH CARDS SHALL BE PRODUCED UPON DEMAND, TO THE AUTHORITIES OF THE ARAB REPUBLIC OF EGYPT.

8. THE TERM "MEMBERS OF THE FORCE" AS DEFINED IN

PARAGRAPH "8" OF YOUR LETTER DOES NOT INCLUDE EGYPTIAN INDIVIDUALS SERVING WITH OR EMPLOYED BY THE FORCE.
(PARA) IF THE ABOVE POINTS ARE ACCEPTABLE, YOUR LETTER OF APRIL 13 AND THIS LETTER CONSTITUTE AN ARRANGEMENT BETWEEN OUR TWO GOVERNMENTS FOR THE EXECUTION OF ACTIVITIES RELATED TO UNITED STATES ASSISTANCE IN THE CLEARANCE OF MINES AND ASSISTANCE IN CLEARANCE OF UNEXPLODED ORDNANACE IN THE SUEZ CANAL AREA.

(PARA) ACCEPT, MR. AMBASSADOR, THE ASSURANCES OF MY HIGHEST CONSIDERATION. (SIGNED) ISMAIL FAHMY (ISMAIL FAHMI), MINISTER OF FOREIGN AFFAIRS UNQUOTE.

2. AMBASSADOR'S REPLY OF APRIL 25: QUOTE:
EMBASSY OF THE UNITED STATES OF AMERICA, CAIRO,
APRIL 25, 1974.
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EXCELLENCY,

I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR EXCELLENCY'S LETTER OF APRIL 25, 1974 AND TO CONFIRM MY GOVERNMENT'S ACCEPTANCE OF THE CONTENTS OF THAT LETTER.

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION. (SIGNED) HERMANN FR. EILTS UNQUOTE. ADDRESSED TO: HIS EXCELLENCY, ISMAIL FAHMY, MINISTER OF FOREIGN AFFAIRS, CAIRO.

3. SINCE SALVAGE AGREEMENT IS DATED JUNE 11 AND 60-DAY PERIOD WILL NOT EXPIRE FOR APPROXIMATELY TWO MONTHS, WE ARE NOT TELEGRAPHING TEXT. PERTINENT AIRGRAM TRANSMITTING EXCHANGE SHOULD ARRIVE WITHIN A WEEK.
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Message Attributes

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Copy: SINGLE
Draft Date: 19 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Authority: WorrelSW
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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